

111TH CONGRESS
1ST SESSION

H. R. 306

To amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2009

Mr. KIRK (for himself and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kidney Disease Edu-
5 cational Benefits Act of 2009”.

1 **SEC. 2. MEDICARE COVERAGE OF KIDNEY DISEASE EDU-**
2 **CATION SERVICES.**

3 (a) COVERAGE OF KIDNEY DISEASE EDUCATION
4 SERVICES.—

5 (1) IN GENERAL.—Section 1861 of the Social
6 Security Act (42 U.S.C. 1395x) is amended—

7 (A) in subsection (s)(2)—

8 (i) in subparagraph (DD), by striking
9 “and” at the end;

10 (ii) in subparagraph (EE), by adding
11 “and” at the end; and

12 (iii) by adding at the end the fol-
13 lowing new subparagraph:

14 “(FF) kidney disease education services (as de-
15 fined in subsection (hhh));”; and

16 (B) by adding at the end the following new
17 subsection:

18 “(hhh) KIDNEY DISEASE EDUCATION SERVICES.—

19 (1) The term ‘kidney disease education services’ means
20 educational services that are—

21 “(A) furnished to an individual with kidney dis-
22 ease who, according to accepted clinical guidelines
23 identified by the Secretary, will require dialysis or a
24 kidney transplant;

“(B) furnished, upon the referral of the physician managing the individual’s kidney condition, by a qualified person (as defined in paragraph (2)); and

“(C) designed—

“(i) to provide comprehensive information regarding—

“(I) the management of comorbidities;

“(II) the prevention of uremic complications; and

“(III) each option for renal replacement therapy (including home and in-center, as well as vascular access options and transplantation); and

“(ii) to ensure that the individual has the opportunity to actively participate in the choice of therapy.

“(2) The term ‘qualified person’ means—

“(A) a physician (as described in subsection (r)(1));

“(B) an individual who—

“(i) is—

“(I) a registered nurse;

“(II) a registered dietitian or nutrition professional (as defined in subsection (vv)(2));

1 “(III) a clinical social worker (as de-
2 fined in subsection (hh)(1));

3 “(IV) a physician assistant, nurse
4 practitioner, or clinical nurse specialist (as
5 those terms are defined in subsection
6 (aa)(5)); or

7 “(V) a transplant coordinator; and

8 “(ii) meets such requirements related to
9 experience and other qualifications that the
10 Secretary finds necessary and appropriate for
11 furnishing the services described in paragraph
12 (1); or

13 “(C) a renal dialysis facility subject to the re-
14 quirements of section 1881(b)(1) with personnel
15 who—

16 “(i) provide the services described in para-
17 graph (1); and

18 “(ii) meet the requirements of subpara-
19 graph (A) or (B).

20 “(3) The Secretary shall develop the requirements
21 under paragraph (2)(B)(ii) after consulting with physi-
22 cians, health educators, professional organizations, accred-
23 iting organizations, kidney patient organizations, dialysis
24 facilities, transplant centers, network organizations de-

1 scribed in section 1881(c)(2), and other knowledgeable
2 persons.

3 “(4) In promulgating regulations to carry out this
4 subsection, the Secretary shall ensure that each bene-
5 ficiary who is entitled to kidney disease education services
6 under this title receives such services in a timely manner
7 that ensures that the beneficiary receives the maximum
8 benefit of those services.

9 “(5) The Secretary shall monitor the implementation
10 of this subsection to ensure that beneficiaries who are eli-
11 gible for kidney disease education services receive such
12 services in the manner described in paragraph (4).

13 “(6) No individual shall be eligible to be provided
14 more than 6 sessions of kidney disease education services
15 under this title.”.

16 (2) PAYMENT UNDER PHYSICIAN FEE SCHED-
17 ULE.—Section 1848(j)(3) of the Social Security Act
18 (42 U.S.C. 1395w-4(j)(3)) is amended by inserting
19 “(2)(FF),”, after “(2)(EE),”.

20 (3) PAYMENT TO RENAL DIALYSIS FACILI-
21 TIES.—Section 1881(b) of the Social Security Act
22 (42 U.S.C. 1395rr(b)) is amended by adding at the
23 end the following new paragraph:

24 “(15) For purposes of paragraph (12), the sin-
25 gle composite weighted formulas determined under

1 such paragraph shall not take into account the
 2 amount of payment for kidney disease education
 3 services (as defined in section 1861(hhh)). Instead,
 4 payment for such services shall be made to the renal
 5 dialysis facility on an assignment-related basis under
 6 section 1848.”.

7 (4) LIMITATION ON NUMBER OF SESSIONS.—
 8 Section 1862(a)(1) of the Social Security Act (42
 9 U.S.C. 1395y(a)(1)) is amended—

10 (A) by striking “and” at the end of sub-
 11 paragraph (N);

12 (B) by striking the semicolon at the end of
 13 subparagraph (O) and inserting “, and”; and

14 (C) by adding at the end the following new
 15 subparagraph:

16 “(P) in the case of kidney disease education
 17 services (as defined in section 1861(hhh)), which are
 18 performed in excess of the number of sessions cov-
 19 ered under such section;”.

20 (5) ANNUAL REPORT TO CONGRESS.—Not later
 21 than April 1, 2010, and annually thereafter, the
 22 Secretary of Health and Human Services shall sub-
 23 mit to Congress a report on the number of medicare
 24 beneficiaries who are entitled to kidney disease edu-
 25 cation services (as defined in section 1861(hhh) of

1 the Social Security Act, as added by paragraph (1))
2 under title XVIII of such Act and who receive such
3 services, together with such recommendations for
4 legislative and administrative action as the Secretary
5 determines to be appropriate to fulfill the legislative
6 intent that resulted in the enactment of that sub-
7 section.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to services furnished on or after
10 January 1, 2010.

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